

**United States District Court**  
**for the**  
**Southern District of West Virginia**  
**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Philip Andrews Duvall Case Number: 3:04CR00025-01

Name of Sentencing Judicial Officer: Joseph R. Goodwin, United States District Judge; Case  
reassigned on July 31, 2013, to the Honorable Robert C.  
Chambers, Chief United States District Judge

Date of Original Sentence: November 5, 2004

Original Offense: 18 U.S.C. § 2251, Production of child pornography

Original Sentence: One hundred and twenty months' imprisonment, followed by a three-year term  
of supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: December 29, 2014

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

The following special conditions of supervision are recommended to the Court, which are also outlined in the Standing Order for Adoption of Standard and Optional Conditions of Probation and Supervised Release in All Sex Offense Cases, entered on March 19, 2008:

1. The defendant shall have no direct or indirect contact, at any time, for any reason, with the victim(s) identified in the presentence report or the victim's family.
2. The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional experienced in evaluating and managing sexual offenders as approved by the U.S. Probation Officer. The defendant shall complete the treatment recommendations and abide by all of the rules, requirements and conditions of the program until discharged. The defendant shall take all medications as prescribed unless the defendant is authorized by the qualified mental health professional to cease use of the prescribed medication. Prior to being required to submit to any proposed course of treatment, the defendant or the United States may seek review by the presiding judge of any facet of the prescribed course of treatment. The United

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States and the defendant shall also have the right to seek review by the presiding district judge of any continuation or discontinuation of such treatment.

3. The defendant shall submit to risk assessments, psychological and physiological testing, which may include, but is not limited to, a polygraph examination or other specific tests to monitor the defendant's compliance with probation or supervised release treatment conditions, at the direction of the U.S. Probation Officer.
4. The defendant's residence and employment shall be approved by the U.S. Probation Officer. Any proposed change in residence or employment must be provided to the U.S. Probation Officer at least ten days prior to the change and pre-approved before the change may take place.
5. The defendant shall not possess any materials depicting and/or describing "child pornography" as defined in 18 U.S.C. § 2256, nor shall the defendant knowingly enter, or knowingly remain in, any location, without the prior approval of the U.S. Probation Officer, where such materials can be accessed, obtained or viewed, including pictures, photographs, books, writings, drawings, videos or video games.
6. The defendant shall not use, purchase, possess, procure or otherwise obtain any computer or electronic device that can be linked to any computer networks, bulletin boards, Internet, Internet service providers or exchange formats involving computers unless approved by the U.S. Probation Officer for such purposes as defendant's lawful gainful employment by a business entity or use by an immediate family member living in defendant's same household or for other legitimate purposes. Such computers, computer hardware or software possessed solely by the defendant is subject to searches and/or seizures by the U.S. Probation Office.
7. The defendant shall register with any local and/or State Sex Offender Registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, pursuant to state law.
8. The defendant shall provide the U.S. Probation Officer access to any requested financial records relating to the purchase or rental of goods, equipment or services which, if possessed by the defendant, would be a violation of the terms and conditions of his supervised release.
9. The term "minor" with respect to any condition of supervised release refers to one who is under the age of eighteen years.
10. The defendant shall not associate or have verbal, written, telephonic or electronic communications with any minor except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of the

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defendant's sex offender conviction(s); and 3) with written approval from the U.S. Probation Officer. This provision does not encompass minors working as waiters, cashiers, ticket vendors, and similar service personnel with whom the defendant must deal in order to obtain ordinary and usual commercial services.

11. The defendant shall not loiter within one hundred feet of any parks, school property, playgrounds, arcades, amusement parks, daycare centers, swimming pools, community recreation fields, zoos, youth centers, video arcades, carnivals, circuses or other places that are primarily used or can reasonably be expected to be used by minors without prior written permission of the U.S. Probation Officer.
12. The defendant shall not frequent any businesses whose primary function is to serve alcoholic beverages.
13. The defendant shall not purchase, possess or control cameras, camcorders, or movie cameras and the defendant may only use and possess cell phones that are limited by design to vocal telephone communication without the capability to access the Internet or store or create images or video without prior approval of the U.S. Probation Officer.
14. The defendant shall notify employers, family, friends and others with whom the defendant has regular contact of defendant's conviction(s) as a sex offender and that the defendant is being supervised by a U.S. Probation Officer.
15. The defendant shall not engage in any forms of exhibitionism, voyeurism, obscene phone calls or other lewd or lascivious behavior toward a minor, nor engage in "grooming" behavior that is apt to attract, seduce or reduce sexual resistance or inhibitions of a minor.
16. The defendant shall not own, use or have access to the services of any commercial mail receiving agency or storage unit nor shall the defendant open or maintain a post office box or storage unit without the prior approval of the U.S. Probation Officer. The defendant shall provide the U.S. Probation Officer with a list of all P.O. boxes and/or storage unit the defendant can access.
17. The defendant shall not possess sadomasochistic or similar bindings or handcuffs, or like forms of restraint.
18. The defendant shall not possess minor's clothing, toys, games, or the like without permission of the U.S. Probation Officer.

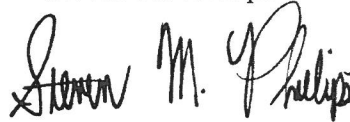
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19. The defendant shall not be employed in any position or participate as a volunteer in any activity that involves contact with minors without written permission from the U.S. Probation Officer. The defendant may not engage in an activity that involves being in a position of trust or authority over any minor.
20. The defendant shall participate in the District's computer monitoring program and pay any costs associated therewith and abide by all special conditions therein, as directed by the U.S. Probation Officer. Participation in this program is contingent upon all program criteria being met.
21. The defendant shall not possess pictures of minors, unless the pictures are of the defendant's children.

#### CAUSE

Mr. Duvall's conduct in the instant offense, by his own admission, involved receiving and producing images of child pornography. Based upon his history of sexual offending, it is respectfully recommended the offender's conditions be modified to include the above conditions. These conditions were entered as a standing order for adoption of standard and optional conditions of probation and supervised release in all sex offense cases on March 19, 2008. If ordered, this recommended modification will provide the offender with the treatment and structure necessary to be successful on supervised release. These conditions will also allow the probation officer to more effectively supervise the offender and more adequately protect the community.

Steven M. Phillips

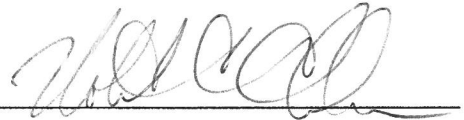
A handwritten signature in black ink, appearing to read "Steven M. Phillips", written in a cursive style.

United States Probation Officer  
February 11, 2015

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**THE COURT ORDERS:**

- ☐ No action
- ☐ The issuance of a summons
- ☐ A hearing be scheduled in this matter
- ☒ Other
- ☒ The modification of conditions as noted above



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Signature of Judicial Officer

2/11/15

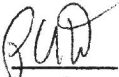
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Date

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT**  
**for the**  
**SOUTHERN DISTRICT OF WEST VIRGINIA**

**PHILIP ANDREWS DUVALL, DOCKET NO. 3:04CR00025-01**

I, **PHILIP ANDREWS DUVALL**, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of probation and supervised release or before my period of supervision is extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that I may waive my right to a hearing after conferring with counsel or by making such waiver before a United States Magistrate Judge.

 I acknowledge that I have conferred with counsel prior to executing this waiver and I hereby willingly, knowingly, and voluntarily waive my statutory right to a hearing and agree to the following modification(s) of my conditions of probation or supervised release, or to the proposed extension of my term of supervision:

1. The defendant shall have no direct or indirect contact, at any time, for any reason, with the victim(s) identified in the presentence report or the victim's family.
2. The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional experienced in evaluating and managing sexual offenders as approved by the U.S. Probation Officer. The defendant shall complete the treatment recommendations and abide by all of the rules, requirements and conditions of the program until discharged. The defendant shall take all medications as prescribed unless the defendant is authorized by the qualified mental health professional to cease use of the prescribed medication. Prior to being required to submit to any proposed course of treatment, the defendant or the United States may seek review by the presiding judge of any facet of the prescribed course of treatment. The United States and the defendant shall also have the right to seek review by the presiding district judge of any continuation or discontinuation of such treatment.
3. The defendant shall submit to risk assessments, psychological and physiological testing, which may include, but is not limited to, a polygraph examination or other specific tests

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to monitor the defendant's compliance with probation or supervised release treatment conditions, at the direction of the U.S. Probation Officer.

4. The defendant's residence and employment shall be approved by the U.S. Probation Officer. Any proposed change in residence or employment must be provided to the U.S. Probation Officer at least ten days prior to the change and pre-approved before the change may take place.
5. The defendant shall not possess any materials depicting and/or describing "child pornography" as defined in 18 U.S.C. § 2256, nor shall the defendant knowingly enter, or knowingly remain in, any location, without the prior approval of the U.S. Probation Officer, where such materials can be accessed, obtained or viewed, including pictures, photographs, books, writings, drawings, videos or video games.
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7. The defendant shall register with any local and/or State Sex Offender Registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, pursuant to state law.
8. The defendant shall provide the U.S. Probation Officer access to any requested financial records relating to the purchase or rental of goods, equipment or services which, if possessed by the defendant, would be a violation of the terms and conditions of supervised release.
9. The term "minor" with respect to any condition of supervised release refers to one who is under the age of eighteen years.
10. The defendant shall not associate or have verbal, written, telephonic or electronic communications with any minor except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of the defendant's sex offender conviction(s); and 3) with written approval from the U.S. Probation Officer. This provision does not encompass minors working as waiters,

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cashiers, ticket vendors, and similar service personnel with whom the defendant must deal in order to obtain ordinary and usual commercial services.

11. The defendant shall not loiter within one hundred feet of any parks, school property, playgrounds, arcades, amusement parks, daycare centers, swimming pools, community recreation fields, zoos, youth centers, video arcades, carnivals, circuses or other places that are primarily used or can reasonably be expected to be used by minors without prior written permission of the U.S. Probation Officer.
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21. The defendant shall not possess pictures of minors, unless the pictures are of the defendant's children.

Philip A. Duvall      1-28-2015  
Probationer or Supervised Releasee      Date

I acknowledge that I have conferred with the defendant prior to the defendant executing this waiver of hearing.

W. R. B. J.      2/2/15  
Counsel      Date